

July 30, 2013

VIA ELECTRONIC MAIL & U.S. MAIL

Federal Election Commission
Attn: Mr. Jeff S. Jordan and Ms. Frankie D. Hampton
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6734 (David Boies)

Dear Mr. Jordan and Ms. Hampton:

I write on behalf of the respondent in the above-captioned matter under review (MUR). The issue raised in the MUR is being corrected. Refunds promised by four candidate committees will ensure that respondent is in full compliance with the 2011-12 biennial limit. Such an approach is consistent with the Commission recommendations put forth in the Biennial Contribution Limit guide (updated January 2013).

The refund process began after respondent had an opportunity to review the MUR and his 2011-12 contributions as a whole. As a result of the review, respondent followed the Commission's guidance and requested refunds sufficient to ensure full compliance with the 2011-12 biennial limit of \$46,200 for candidate committee donations. Four candidate committees (Franken, Gillibrand, Lowey and Rangel) have agreed to refund the \$5,000 in donations (primary and general elections) respondent made to each committee during the 2011-12 cycle. As a result of these refunds, respondent's total 2011-12 candidate committee donations will be \$44,900 and will comply fully with the biennial limit in effect for that cycle.

Accordingly, respondent requests that this matter be closed without further action once the refunds have been received from the respective candidate committees. To the extent the individual donation limit to federal candidates was exceeded by respondent such non-compliance was accidental and inadvertent. It occurred without knowledge, intent or willfulness and was corrected upon notice to the respondent. The amount of potentially excessive contributions totaled less than \$20,000 and was rectified through the refunding of just four candidate committee donations. Moreover, no candidate committee received a contribution in excess of the per election limit for the 2011-12 cycle. In addition, respondent has taken steps to ensure that the aggregate of any future donations complies with all aspects of the operative biennial limit.

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BOIES, SCHILLER & FLEXNER LLP

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Respondent will provide the Commission confirmation of the refunds upon receipt. In the meantime, if you have any questions or would like additional information, I can be reached at hdellinger@bsflp.com or 202-274-1152.

Sincerely,


Hampton Dellinger

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